

**STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION**

In the Matter of:

LANSING SCHOOLS EDUCATION ASSOCIATION,  
Labor Organization - Respondent,

Case No. CU07 B-007

-and-

MARY P. COBB,  
An Individual - Charging Party.

APPEARANCES:

Mary P. Cobb, *In Propria Persona*

**DECISION AND ORDER**

On April 25, 2007, Administrative Law Judge Doyle O'Connor issued his Decision and Recommended Order in the above matter finding that Respondent did not violate Section 10 of the Public Employment Relations Act, 1965 PA 379, as amended, and recommending that the Commission dismiss the charges and complaint.

The Decision and Recommended Order of the Administrative Law Judge was served on the interested parties in accord with Section 16 of the Act.

The parties have had an opportunity to review the Decision and Recommended Order for a period of at least 20 days from the date of service and no exceptions have been filed by any of the parties.

**ORDER**

Pursuant to Section 16 of the Act, the Commission adopts the recommended order of the Administrative Law Judge as its final order.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Christine A. Derdarian, Commission Chair

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

Dated: \_\_\_\_\_

**STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION**

In the Matter of:

LANSING SCHOOLS EDUCATION ASSOCIATION,  
Respondent-Labor Organization,

Case No. CU07 B-007

-and-

MARY P. COBB,  
Individual Charging Party.

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**APPEARANCES:**

Mary P. Cobb, Charging Party, appearing personally

**DECISION AND RECOMMENDED ORDER  
OF ADMINISTRATIVE LAW JUDGE ON SUMMARY DISPOSITION**

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, this case was assigned for hearing to Doyle O'Connor, Administrative Law Judge (ALJ) for the Michigan Employment Relations Commission. Based upon the entire record, I make the following findings of fact, conclusions of law, and recommended order.

**The Unfair Labor Practice Charge and Findings of Fact:**

On February 16, 2007, a Charge was filed in this matter asserting that the Respondent Labor Organization had violated the Act on July 17, 2006 by allegedly improperly refusing to pursue a grievance matter as requested by Charging Party Cobb. That event, as alleged, occurred more than six months prior to the filing of the Charge.

An order to show cause why the charge should not be dismissed as untimely was issued pursuant to R 423.165 on March 30, 2007, granting the Charging Party twenty one days to respond. Charging Party filed a response to the order to show cause that confirmed that the disputed event occurred on July 17, 2006, seven months prior to the February 16, 2007 filing of the Charge.

**Discussion and Conclusions of Law:**

Under PERA, there is a strict six-month statute of limitations for the filing and service of charges, and a charge alleging an unfair labor practice occurring more than six

months prior to the filing and service of the charge is untimely. The six-month statute of limitations is jurisdictional and cannot be waived. *Walkerville Rural Community Schools*, 1994 MERC Lab Op 582, 583.

It is apparent, both from the Charge and from the response to the order to show cause, that the charge was not timely filed, and therefore must be dismissed under MCL 423.216, which prohibits the Commission from proceeding on a charge filed more than six months after the event giving rise to the charge.

RECOMMENDED ORDER

It is hereby recommended that the unfair labor practice charge be dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Doyle O'Connor  
Administrative Law Judge

Dated: \_\_\_\_\_